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5 | Counsel for Defendant CRUZ-MORA

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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

11 UNITED STATES OF AMERICA, ) No. CR 09-00256-RMW  
12 Plaintiff, )  
13 v. ) **STIPULATION TO CONTINUE  
14 JOSE LUIS CRUZ-MORA, ) HEARING; [] ORDER  
15 Defendant. )**

16 Defendant, Jose Luis Cruz-Mora by and through his attorney Nicholas P. Humy, and the  
17 United States, by and through Assistant United States Attorney Chad Mandell, hereby stipulate  
18 and agree to request that the Court continue the status conference currently set for Monday, April  
19 20, 2009, in the above captioned matter to Monday, April 27, 2009 at 9:00 a.m. The  
20 continuance is necessary due to the unavailability of counsel for Mr. Cruz-Mora.

21 The parties further agree and stipulate that time should be excluded from and including  
22 April 20, 2009 through and including April 27, 2009, for continuity of defense counsel, pursuant  
23 to Speedy Trial Act, 18 U.S.C. §3161(h)(7)(A) and (B)(iv). Accordingly, the United States and

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STIPULATION TO CONTINUE HEARING;  
[ ] ORDER  
CR 09-00256-R MW

1 the defendant agree that granting the requested exclusion of time will serve the interest of justice  
2 and outweigh the interest of the public and defendant in a speedy trial.

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4 Dated: 4/17/09

/s/  
NICHOLAS P. HUMY  
Assistant Federal Public Defender

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Dated: 4/17/09

/s/  
CHAD MANDELL  
Assistant United States Attorney

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10 **ORDER**

11 The parties have requested a continuance of the status conference set for Monday, April  
12 20, 2009 due to the unavailability of defense counsel.

13 GOOD CAUSE APPEARING, IT IS HEREBY ORDERED that the hearing date  
14 presently set for Monday, April 20, 2009, be continued to Monday, April 27, 2009 at 9:00 a.m.

15 IT IS FURTHER ORDERED, that the time between April 20, 2009 through  
16 April 27, 2009, shall be excluded for continuity of defense counsel, pursuant to Speedy Trial  
17 Act, 18 U.S.C. §3161(h)(7)(A) and (B)(iv).

18 IT IS SO ORDERED.

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20 Dated: 4/20/09

*Ronald M. Whyte*  
RONALD M. WHYTE  
United States District Judge

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